

REMARKS/ARGUMENTS

Initially, Applicant would like to express their appreciation to the Examiner for the detailed Official Action, for the acknowledgement that the drawings are acceptable, and for the acknowledgement of Applicant's Claim for Priority and the receipt of the certified copies of the priority document. Applicants would also like to thank the Examiner for considering the materials cited in the Information Disclosure Statement filed in the present application on April 23, 2004, by the return of the signed Form PTO-1449 attached to the above-noted Information Disclosure Statement.

Claim 9 was objected to because of an informality. In particular, the Official Action stated that a “;” located at the end of claim 9 should be replaced with a “.”. Claim 9 has been amended to correct this informality. Accordingly, Applicant requests that the objection to claim 9 be withdrawn.

Claims 1-19 were rejected under 35 U.S.C. §102(e) as being anticipated by TAKEDA et al. (U.S. Patent No. 6,829,232 B1). With regard to independent claims 1, 5, 14, 15, 16, 17, 18, and 19, the Official Action asserts TAKEDA's Figure 1 as disclosing an internet telephone apparatus (subscriber terminal 9a) connected to a server (3); and TAKEDA's Abstract, Figure 9, column 2, lines 46-48, and column 7, lines 2-17 as disclosing that the server (3) stores the IP address corresponding to a telephone number of a call destination. The Official Action also asserts that TAKEDA's Figure 1 as disclosing a plurality of telephone apparatuses (subscriber terminals 9a and 9b) being associated with the call destination.

Contrary to the Official Action's assertion, Applicant submits that TAKEDA fails to disclose a plurality of telephone apparatuses being associated with a call destination in a manner explicitly required by Applicant's claims. In the cited portions of TAKEDA, a call destination is

either subscriber terminal 9a or subscriber terminal 9b, not both of the subscriber terminals 9a and 9b combined. In other words, terminal 9a represents one subscriber and terminal 9b represents a different subscriber. These two terminals are not associated with each other in a predetermined relationship. Thus, if the subscriber associated with subscriber terminal 9a is unavailable, TAKEDA's system does not automatically without user intervention reconvert a numeric symbol in the IP address to access terminal 9b, which is the relationship between telephone apparatuses at a call destination that is required by the claims. Accordingly, TAKEDA fails to disclose a plurality of telephone apparatuses being associated with a particular call destination in the manner explicitly claimed.

The Official Action also asserts TAKEDA's Abstract (and column 9, line 39 to column 10, line 6; and column 12, line 52, to column 13, line 14) as disclosing that the Service Control Gateway, when a predetermined symbol is detected in the IP address, converts the predetermined symbol in to a numeric value, and accesses a predetermined one of the plurality of telephone apparatuses associated with the call destination based on the IP address including the numeric value. The Official Action also asserts that these same portions of TAKEDA disclose that the Service Control Gateway, when the predetermined telephone apparatus of the call destination is unavailable, reconverts the predetermined symbol into another numeric value without user intervention at the internet telephone apparatus.

Upon review, in TAKEDA's system when a subscriber terminal initiates an admission request that includes a destination number of another subscriber terminal, the destination number is evaluated to determine if the gateway server can directly complete the call or whether a multicast address must be sent to other gateway servers to determine which destination server can complete the call. In TAKEDA's system, information from the admission request and the

call setup request are used to authenticate the call, allocate bandwidth to the call, and update the destination terminal from “idle” to “busy”.

However, Applicant submits that TAKEDA fails to disclose that when a predetermined symbol is detected in the IP address, that the predetermined symbol is converted into a numeric value such that one of the plurality of telephone apparatuses associated with the call destination is accessed. TAKEDA also fails to disclose that when the predetermined telephone apparatus of the call destination is unavailable, that the controller reconverts the predetermined symbol into another numeric value and accesses another one of the plurality of telephone apparatuses without user intervention at the internet telephone apparatus.

These missing features of TAKEDA, as discussed above regarding a plurality of telephone apparatuses being associated with the call destination via an IP address that includes a predetermined symbol that is used to alternatively access another one of the telephone apparatuses if a first accessed telephone apparatus is unavailable, are important features of Applicant’s invention. Since these features are explicitly recited in each of independent claims 1, 5, and 12-19 and since TAKEDA fails to disclose each and every feature of the claimed invention, Applicant submits that TAKEDA fails to anticipate Applicant’s claimed invention.

With regard to dependent claims 2-3 and 6, the Official Action cites TAKEDA’s column 8, lines 19-31. Upon review, the cited portion of TAKEDA discusses that the telephone number information for identifying a destination terminal is included in the request signal, which is subsequently associated with an IP address. However, Applicant submits that TAKEDA fails to disclose the provision of a predetermined symbol in a host address of the IP address and that TAKEDA does not disclose any use for such a predetermined symbol. Further, Applicant’s claimed predetermined symbol, which is included in a host address of the IP address, is used to

access a predetermined one of a plurality of telephone apparatuses associated with a call destination, and to access another telephone apparatus when the first telephone apparatus is unavailable. As previously discussed, TAKEDA fails to disclose these features. Additionally each of dependent claims 4 and 7-11 also explicitly recites that the IP address includes the predetermined symbol. Accordingly, Applicants submit that in addition to the failure of TAKEDA to disclose all of the claimed features of the independent claims, TAKEDA further fails to disclose features of the dependent claims as well.

In view of the above discussion, Applicant submits that TAKEDA fails to anticipate Applicant's invention as claimed, and respectfully requests that the rejection of claims 1-19 under 35 U.S.C. §102(e) as being anticipated by TAKEDA be withdrawn.

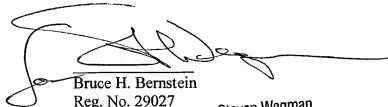
SUMMARY

From the amendments, arguments, and remarks provided above, Applicant submits that all of the pending claims in the present application are patentable over the references cited by the Examiner, either alone or in combination. Accordingly, reconsideration of the outstanding Official Action is respectfully requested and an indication of allowance of claims 1-19 is now believed to be appropriate.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no extoppel should be deemed to attach thereto.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Akira MIYAJIMA

A handwritten signature in black ink, appearing to read "Bruce H. Bernstein", is written over a horizontal line.

Bruce H. Bernstein
Reg. No. 29027

Steven Wegman
Reg. No. 31,438

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191